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WITHROW & TERRANOVA, P.L.L.C.			BENGZON, GREG C	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**MAILED**

Application Number: 09/973,412  
Filing Date: October 09, 2001  
Appellant(s): BRESCIA, PAUL T.

**FEB 27 2006**

**Technology Center 2100**

Benjamin S. Withrow, Reg. No. 40,876  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 11/28/2005 appealing from the Office action mailed 04/26/2005.

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**(1) Real Party in Interest**

The real party of interest in this application is Nortel Networks Limited, wholly owned by Nortel Networks Corporation, a Canadian corporation.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

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**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

US 6647257 B2	Owensby; Craig A.
US 6622157 B1	Heddaya; Abdelsalam A. et al.
US 6480711 B1	Guedalia; Jacob Leon

## **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39-43, 46-51, and 54 rejected under 35 U.S.C. 103(a) as being unpatentable over Owensby (US Patent 6647257) in view of Heddaya et al. (US Patent 6622157) hereinafter referred to as Heddaya.

With respect to Claims 39, Owensby discloses a method for providing content to a mobile terminal user based on a location of a mobile terminal, comprising: (Abstract, Figures 1-4, Column 19 Lines 20-50, Column 6 Lines 15-25) ; determining a current location of the mobile terminal (Column 12 Lines 24-26); determining if content is available for the current location of the mobile terminal (Column 8 Lines 40-60); identifying which of the plurality of unique content corresponds to the current location of

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the mobile terminal; (Column 5 Lines 55-60, Column 22 Lines 45-55) delivering the identified content to the mobile terminal such that the mobile terminal user may selectively access the content. The Examiner notes that while Owensby does not explicitly state providing internet protocol addresses it would have been well known in the art that in providing service provider contact information to the user, a form of internet addressing would be required in order to connect the user to the global computer network (the Internet service). At any rate Owensby disclosed using the Internet to provide localized information to the mobile terminal. (Column 11 Lines 60-65)

However, Owensby does not disclose (re. Claims 39, 47) associating each of the plurality of unique internet protocol addresses with different geographic locations and providing unique content to a mobile user wherein the internet protocol address is based on the location specific unique content.

Heddaya discloses of news organizations having an overseas site that 'mirrors' the domestic site, such that the content servers at both sites contain the same material and are kept synchronized. Heddaya offloads request processing from a 'bottleneck' server to another server, thereby reducing response time. (Heddaya – Column 2 Lines 50-60)

Furthermore, Heddaya discloses another approach for offloading servicing work from home server to an intermediate node interconnected between the home server and the client. Here, the home server sends a document and code to the intermediate node. At the intermediate node, the code executes and modifies the document. The

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modified document is then sent to the client in a more customized form, said data being 'client specific data' (Heddaya – Column 12 Lines 35-40). Heddaya discloses that preferably the secondary server nodes are closer to the client nodes. (Column 3 Lines 25-40) The Examiner notes that each server node **must** have a unique internet protocol address, said address associated with storage devices containing said customized contents.(Heddaya – Column 1 Lines 35-45) Furthermore a URL provides a unique protocol address from each of which unique content may be accessed.

Heddaya disclosed (re. Claim 39,47) establishing a plurality of unique internet protocol addresses from each of which unique content may be accessed (Heddaya – Column 3 Lines 35-45) ; associating each of the plurality of unique internet protocol addresses with different geographic locations (Heddaya – Column 2 Lines 50-60) and providing content to a mobile user wherein the internet protocol address is based on the location specific [that is, location specific to the mobile terminal ; 'client specific'] unique content (Heddaya – Column 12 Lines 45-55)

Owensby and Heddaya are analogous art because they present concepts and practices regarding fulfilling content requests depending on the location of the mobile user. At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement the offloaded customization concepts as taught be Heddaya into the method and apparatus of Owensby, such that content may be customized and be made unique according to the location of the intermediate node. The motivation for said

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combination would have been, as Heddaya suggests ( Heddaya, Column 4 Lines 1-10), to distribute the servicing of requests across multiple intermediate or secondary servers, such server being closer to the requesting user (by number of hops and distance), such that response time is faster and less network traffic is created.

With respect to Claims 40, Owensby discloses (New) the method of claim 39 wherein the identified address is delivered to the mobile terminal via one of the group consisting of: email, short message service, system signaling seven message, and web page. (Abstract)

With respect to Claims 41, Owensby discloses the method of claim 39 further comprising allowing access to the content when the mobile terminal uses the identified address. (Column 8 Lines 40-60, Column 6 Lines 1-25)

With respect to Claims 42, Owensby discloses the method of claim 39 further comprising delivering the content to the mobile terminal in response to a request from the mobile terminal using the identified address. (Column 8 Lines 40-60, Column 6 Lines 1-25)

With respect to Claims 43, Owensby discloses the method of claim 39 further comprising receiving a trigger initiated by an action of the mobile terminal as a



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condition of determining the current location of the mobile terminal. (Column 8 Lines 40-60, Column 6 Lines 1-25)

With respect to Claims 46, Owensby discloses the method of claim 39 further comprising providing a profile of a user of the mobile terminal, and screening the content associated with the plurality of unique internet protocol addresses based on the profile. (Column 1 Lines 10-35, Column 18, Lines 10-30, Column 11 Lines 60-65, Column 22 Lines 35-65, Column 23 Lines 1-25)

With respect to Claims 47-51, and 54 the Applicant discloses an apparatus for the method described in Claims 39-43, 46. Claims 47-51, and 54 are rejected on the same basis as Claims 39-43, 46.

Claims 44-45 and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owensby (US Patent 6647257) in view of Heddaya et al. (US Patent 6622157) hereinafter referred to as Heddaya, further in view of Guedalia (US Patent 6480711).

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With respect to Claims 44-45 and 52-53, the combined teachings of Owensby and Heddaya, when applied together, substantially disclose the invention as described above.

However, the combined teachings of Owensby and Heddaya do not disclose method of claim 39 further comprising receiving a trigger unrelated to an action of the mobile terminal as a condition of determining the location of the mobile terminal. Furthermore, the combined teachings of Owensby and Heddaya do not disclose the method of claim 44 further comprising a service to generate the trigger.

Guedalia discloses a method and system whereby a mobile user has pre-programmed message requests for specific data to be transmitted according to specified schedule, such messages being triggered by activation unit and event engine, not according to a request by the mobile user. (Column 7 Lines 55-65, Column 8 Lines 1-15)

Owensby, Heddaya and Guedalia are because they present concepts and practices regarding content delivery to a mobile user. At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement the concept of listening for signals from an activation unit and event generator as taught by Guedalia into the method and apparatus described by the combined teachings of Owensby and Heddaya, such that the system is able to receive a trigger unrelated to an action of the mobile terminal as a condition of determining the location of the mobile terminal and send messages to the user upon receiving the triggers, without any input from the mobile user. The signals from the activation unit and event engine may be

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internal to the system, or externally created by another service. The suggested motivation for said combination would have been to enable interested sponsors and even the mobile user to select and send targeted messages at the most appropriate time. For example, a flower shop may select to send content to selected mobile users within days prior to Mother's Day.

Therefore it would have been obvious to combine the concepts and practices taught by Guedalia into the combined teachings of Owensby and Heddaya for the benefit of superior marketing and advertising in order to arrive at the invention as described in Claims 44-45 and 52-53.

**(10) Response to Argument**

The Examiner notes that Owensby disclosed providing localized (i.e. pertaining to geographical neighborhood) information (Owensby – Column 5 Lines 55 – 65) to a wireless terminal via the Internet (Owensby – Column 1 Lines 40-45), said localized information being available via a direct link to the provider of said local information.(Owensby – Column 15-20) Heddaya disclosed URL addresses (Heddaya – Column 6 Lines 45-50) that provide customized information (Heddaya – Column 3 Lines 25-30, Column 12 Lines 50-60) that is 'client specific data' (Heddaya – Column 12 Lines 35-40) according to the nearest (by number of hops and distance) server (Heddaya- Column 4 Lines 1-5) to the requesting wireless [cellular] client (Heddaya- Column 6 Lines 15-20).

Thus the combination of Owensby and Heddaya provide a mobile terminal, a content server, a URL address associated with unique content, and customized information, with all said elements being 'localized' according to the location of the mobile terminal.

The Examiner notes that a URL provides a unique protocol address from each of which unique content may be accessed. (Heddaya – Column 1 Lines 40-50)

**Rejections based on 35 U.S.C. 103(a)**

The Applicant presents the following argument(s) [*in italics*] regarding Claim 39-43, 46-51, and 54:

*'The Patent Office Has Not Shown a Proper Motivation to Combine the References to Arrive at the Claimed Invention.... motivation to combine Owensby and Heddaya does not create the advantage advanced by the Patent Office as part of the rationale to combine the references. There must be some suggestion to combine references in an obviousness rejection. ...*

The Examiner respectfully disagrees with the Applicant. Owensby disclosed providing localized information to the wireless terminal, and disclosed using the Internet as a medium for doing so (Owensby – Column 1 Lines 40-45). Heddaya also disclosed providing localized information (Heddaya- Column 3 Lines 25-35) to the wireless terminal, using URLs and TCP/IP (Heddaya- Column 6 Lines 45-55 ). A person of ordinary skill in the art, such as Owensby, would have been motivated to look for more detailed disclosures regarding presentation of internet content to a wireless [cellular] terminal such as disclosed by Heddaya.

The Applicant presents the following argument(s) [*in italics*]:

*'the combination makes Heddaya unsuitable for its intended purpose..'*

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The Examiner respectfully disagrees with the Applicant. The Examiner notes Heddaya is well-suited for the purpose of associating internet protocol addresses with unique content, and providing location specific unique content. Heddaya disclosed a system that allows for a cellular client to access a content server (the closest by proximity) based on the location of the cellular client. (Hedday - Column 2 Lines 50-60) Heddaya's disclosure is not limited to providing 'spoofing', and does not provide any suggestions that would make Heddaya unsuitable for wireless networks such as Owensby.

The Applicant presents the following argument(s) [*in italics*]:

*'...the combination does not teach or suggest all the claim elements as required to establish prima facie obviousness. In particular, independent claim 39 recites "establishing a plurality of unique internet protocol addresses from each of which unique content may be accessed . . . Merely because the passage uses the word "internet" does not mean that the passage teaches or suggests the recited establishing of a plurality of unique internet protocol addresses from each of which unique content may be accessed. The cited passage makes no reference to establishing Internet protocol addresses from each of which unique content may be accessed.'*

The Examiner respectfully disagrees with the Applicant. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on

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combinations of references. Heddaya disclosed using URLs to provide links to internet content. The Examiner notes that a URL inherently provides a unique protocol address from each of which unique content may be accessed. (Heddaya – Column 1 Lines 40-50)

The Applicant presents the following argument(s) [*in italics*]:

*'...the combination does not teach "...associating each of the plurality of unique internet protocol addresses with different geographic locations..'*

The Examiner respectfully disagrees with the Applicant. The Examiner respectfully disagrees with the Applicant. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. Owensby disclosed providing links ( Owensby – Column 22 Lines 45-55) to localized information, said localized information dependent on the location of the mobile terminal. Heddaya disclosed using URLs (and associated IP address) to provide links to localized information.

The Applicant presents the following argument(s) regarding Claims 42 and 50 [*in italics*]:

*While ...[in Owensby] the subscriber can request establishment of a direct telecommunications or other data link with a representative, this concept is not what is*

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*recited in the claims. Claims 41 and 49 recite accessing the content through the address. The passage teaches connecting to a representative after listening to an advertisement message. These are not the same things. In the passage, the subscriber has already received the content and then gets supplemental information from the representative, but the subscriber never uses any address to access the content. The content has already been provided to the subscriber.*

The Examiner respectfully disagrees with the Applicant. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. Heddaya disclosed that to access Internet content, a URL must be provided. (Heddaya – Column 1 Lines 40-45) Since Owensby is intent on providing Internet content (Owensby – Column 1 Lines 40-45) to the mobile terminal in addition to the initial advertisement message, it would have been obvious to use a URL in the advertisement as a means to provide the link [back to the advertiser].(Owensby – Column 6 Lines 15-20)



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**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

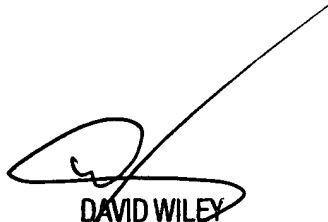
Greg Bengzon, Patent Examiner

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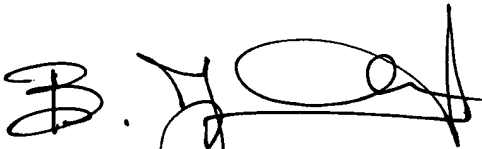
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